



## **Montana Fish, Wildlife & Parks**

Ladies and Gentlemen:

Recently you received documents regarding the Montana Fish, Wildlife & Parks (FWP) proposal to create a 56-acre wetland development to provide habitat for breeding waterfowl, other migratory birds, and other wildlife in the Crow Coulee watershed east of Loma, Montana. The project site is on the ABN (Anderson) Ranch.

Comments received regarding the ABN Ranch Wetland Development project are summarized in the enclosed Decision Notice. No modifications were made to the documents you received as a result of the public review and comment.

Because there exists uncertainty and unresolved issues regarding water rights both existing and proposed need for the Wetland Development project, it is my recommendation that FWP not proceed with the project as proposed.

Thank you for your interest and involvement.

Sincerely,

A handwritten signature in black ink, reading "Gary Bertellotti". The signature is fluid and cursive, with the first name "Gary" being more prominent and the last name "Bertellotti" following in a similar style.

Gary Bertellotti  
Region 4 Supervisor  
Montana Fish, Wildlife & Parks  
Great Falls, MT 59405  
(406) 454-5840  
[gbertellotti@mt.gov](mailto:gbertellotti@mt.gov)

**Decision Notice**  
**ABN (Anderson) Ranch Wetland Development Project**  
**Environmental Assessment**

Prepared By:  
Montana Fish, Wildlife & Parks  
Region 4 Wildlife Division  
4600 Giant Springs Rd.  
Great Falls MT 59405

September 20, 2011

**INTRODUCTION**

Montana Fish, Wildlife & Parks (FWP) has the authority under law (MCA 87-2-411) to conserve wetlands in Montana. Since enactment of the Migratory Bird Stamp Act in 1985, the Montana Legislature has directed FWP to earmark revenues collected from the sale of migratory bird licenses to protect, conserve, and develop wetlands (MCA 87-2-411). This is now referred to as FWP's Migratory Bird Stamp Program.

**MONTANA ENVIRONMENTAL POLICY ACT PROCESS**

FWP is required to assess impacts to the human and physical environment under the Montana Environmental Policy Act (MEPA). This Decision Notice is part of the EA process evaluating the impacts associated with the proposed ABN (Anderson) Ranch Wetland Development Project required by MEPA.

**PUBLIC COMMENT**

A public comment period for the EA was established from June 13 through July 5, 2011. Public notice of the proposed action was offered to about 55 newspapers and news outlets in the state, and was also placed on the FWP website. Copies of the Environmental Assessment were distributed to interested parties. Copies were available for review at the FWP Region 4 Headquarters during indicated comment period.

All public comments received remain on file at the Great Falls FWP office and are available for public review. Consideration and evaluation of public comment is distilled in the attached Public Comment and Issues Addendum to the EA.

Written Comments: Written comment totaled 2 responses. One response endorsed the "Proposed Action" alternative of the draft EA, while another opposed the "Proposed Action".

The comments/responses are included in a Public Comment and Issues Addendum attached to this Decision Notice.

#### FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis in the EA and in consideration of public comment addressed in the Addendum, FWP has selected Alternative A, the "No Action" alternative. FWP has reviewed the EA and applicable laws, regulations and policies and has determined that this action will not have a significant effect on the human environment. Therefore, an Environmental Impact Statement is not necessary.

#### MODIFICATIONS TO ENVIRONMENTAL ANALYSIS AND MANAGEMENT PLAN

No modifications to the Environmental Assessment were made as a result of the public review period.

#### DECISION

Following receipt of public comments on the proposed project, considerable review and discussion of water rights associated with the proposed project's design ensued. This discussion involved the ABN Ranch as owners of these rights, both regional and state FWP staff, and DNRC Water Rights Bureau staff. Given FWP's consideration of the most relevant issues presented during these discussions, it was apparent that agreement would not be reached between all parties as to whether existing water rights owned by the ranch were sufficient to allow the project to proceed. Based on this finding, it is my recommendation that FWP not project with the proposed wetland development.

#### CONCLUSION

By notification of this Decision Notice, the draft EA is hereby made the final EA. The finding of selection of Alternative A, "No Action" is the product of this Decision Notice.



Gary Bertellotti  
Region 4 Supervisor  
Montana Fish, Wildlife & Parks  
4600 Giant Springs Rd.  
Great Falls, MT 59405

9/23/2011

Date

**MONTANA FISH, WILDLIFE & PARKS**  
**ABN (Anderson) Ranch Wetland Development Proposal**  
**Environmental Assessment**

**Public Comment and Issues Addendum**

Public comment was solicited on the draft Environmental Assessment “ABN (Anderson) Ranch Wetland Development Project” from June 13 to July 5, 2011. Written comment totaled 2 responses. One endorsed the “Proposed Action” alternative of the draft EA, with one respondent opposing the “Proposed Action” of FWP developing a wetland project on Crow Coulee portion of the ABN (Anderson) Ranch.

**Issues and Comments:**

Two individuals and/or organizations commented in regard to the “Proposed Action” for FWP to construct a wetland development project on the ABN Ranch. These comments included:

Comment Opposed: One individual commented that he believed the cost of the project was too great for a project of this size which he believed would provide very limited hunting opportunity for a very limited time citing the 10-year lifespan of the project.

*As part of the proposal, the ABN Ranch agreed to grant hunters and non-hunters (wildlife viewers, hikers, etc) access to the project site as well as to the Missouri River and lands adjoining the project site provided those seeking access asked permission. While FWP strives to complete wetland protection, construction, and development projects that may provide public recreational opportunities, FWP is responsible to use Migratory Bird hunting license revenues only for the protection, conservation and development of wetlands (87-2-411 M.C.A.).*

Comment in Support: The Montana Wildlife Federation (MWF) commented that the big bend area of the Missouri River where the Crow Coulee Bar is located already has a tremendous waterfowl and upland bird resources as well as big game habitat. With a minimum of enhancement, MWF believes that the area would become increasingly ideal for hunter opportunity and providing wildlife habitat. They further commented that MWF believes the ABN Ranch project enhances the surrounding landscape honored in the Proclamation of the nearby Upper Missouri River Breaks Monument and should be pursued by FWP.

*Hunters and non-hunters (wildlife viewers, hikers, etc) would be able to access the property with Landowner permission as stated above and in the EA.*